UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Mary Hitchcock Memorial Hospital
d/b/a Dartmouth-Hitchcock

v. Civil No. 15-cv-453-LM

Hal Cohen, Secretary,
Vermont Agency of Human Services;
Sylvia Mathews Burwell, Secretary,
U.S. Department of Health and Human Services;
Andrew Slavitt, Acting Administrator,
Centers for Medicare and Medicaid Services, and
Centers for Medicare and Medicaid Services

O R D E R

On May 31, 2016, a preliminary pretrial conference was held in this case. Attorneys Gordon MacDonald and John Kacavas appeared for plaintiff; Attorney Jon Alexander appeared for defendant Hal Cohen, Secretary of the Vermont Agency of Human Services ("Vermont"); and Attorney Gerard Cedrone appeared for defendants Silvia Mathews Burwell, Andrew Slavitt, and the Centers For Medicare And Medicaid Services (collectively, the "federal defendants").

The parties had very few disagreements with respect to scheduling. The court discussed the disagreements and resolved them.

The terms of the discovery order are summarized in the chart below.

Scheduling Designation	Proposed Deadline
Type of Trial	Bench trial as to plaintiff's claims against Vermont. The court will decide plaintiff's claims against the federal defendants as a matter of law on motion.
Mandatory Disclosures	Mandatory disclosures due within 30 days of this order. Plaintiff's claims against the federal defendants are exempt from the mandatory disclosure requirement.
Completion of Discovery	March 30, 2017 This is a deadline discovery is to be completed – not a deadline by which discovery is to be served. The propounding party shall ensure enough time remains for the recipient to provide its responses by that deadline.
Interrogatories	A maximum of 25 interrogatories by one party to the other party. Responses due 30 days after service. Plaintiff's claims against the federal defendants are exempt from this requirement.
Requests for Admission	A maximum of 25 requests by one party to the other party. Responses due 30 days after service. Plaintiff's claims against the federal defendants are exempt from this requirement.
Depositions	A maximum number of 8 depositions by plaintiff and 8 depositions by Vermont. Each deposition shall be limited to 7 hours, unless extended by agreement of the parties or the court. Plaintiff's claims against the federal defendants are exempt from this requirement.
Joinder of Additional Parties	July 1, 2016
Third-Party Actions	July 1, 2016
Amendment of Pleadings	July 15, 2016

Scheduling Designation	Proposed Deadline
Experts and Experts' Written Reports	Plaintiff: December 30, 2016 Vermont: January 30, 2017 Rebuttal: March 1, 2017 Supplementations under Rule 26(e): March 30, 2017
Motions for Summary Judgment	Plaintiff: March 31, 2017 Defendants: May 1, 2017 (objections and cross-motions) Plaintiff: May 22, 2017 (objections and replies) Defendants: June 14, 2017 (replies)
Joint Statement Re Mediation	Mediation, if necessary, shall occur on or before April 30, 2017
Challenges to Expert Testimony	June 2, 2017
Witnesses and Exhibits	June 16, 2017
Trial Date	Two-week period beginning July 18, 2017

Absent the parties' agreement or extraordinary circumstances, the court will not grant a continuance of the trial date.

To the extent the above scheduling order does not represent the parties' agreed-upon deadlines or reflect the resolution of the parties' disputes at the preliminary pretrial conference, the parties may file on or before June 6, 2016, a joint motion requesting modification of the scheduling order.

SO ORDERED.

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Landya B. McCafferty
United States District Judge

May 31, 2016

cc: Jon T. Alexander, Esq.
Gerard J. Cedrone, Esq.
Kristin L. Clouser, Esq.
Anthony J. Galdieri, Esq.
Jon Paul Kacavas, Esq.
Gordon J. MacDonald, Esq.
Katherine Amestoy Martin, Esq.